

Application No.: 09/993,996

Docket No.: 65857-0037

REMARKS

Applicant thanks the Examiner for the non-final Office Action mailed on August 27, 2004. Claims 32 and 34 have been amended to more clearly point out the claimed subject matter. New claim 35 has been added. With these amendments, no new matter has been added. Applicant respectfully requests reconsideration of all claims in view of the above amendments and accompanying remarks.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 30-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,513,882, to *Lewis* in view of U.S. Patent 1,019,000, to *Watson*. This rejection is respectfully traversed.

MPEP Section 2143 sets forth the basic requirements for the Patent and Trademark Office to establish *prima facie* obviousness as follows: "To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438, at 1442 (Fed. Cir. 1991).

The Examiner has failed to provide a motivation for combining these references. The fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levensgood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). The Examiner is requested to specifically identify a motivation within the references for the proposed combination. No motivating passages within *Lewis* or *Watson* were found that would lead to the proposed combination.

Application No.: 09/993,996

Docket No.: 65857-0037

Specifically, Lewis provides no motivation for replacing the clip 18 with the wedge of Watson. The discussion in Lewis from Column 5, line 55 to column 6, line 50 provides a discussion of the multiple variables that determine seal compression rate, arguably teaching away from the present invention where a single variable (the axial depth of the recess for sealing element 19) determines the compression rate of a given sealing element. Also, neither Lewis or Watson direct one toward a wedge to tighten the connection of Lewis. Similarly, neither Watson or Lewis provide a motivation to modify Watson.

In view of the above remarks, independent claim 30 is in condition for allowance. Dependent claims 31-34, being dependent upon independent claim 30, are likewise in condition for allowance.

Applicant also notes that new independent claim 35 recites the limitation "to cause the sealing face to press against the seal and the axial sealing surface." The specific limitation of pressing the sealing face against the axial sealing surface is not taught in either Lewis or Watson. Watson teaches pressing a flange 6 against a washer 10, but not pressing the flange 6 against a flange 5 (See FIGS. 2 and 5). Lewis teaches pressing a raised surface 11 against a seal 14, but does not teach pressing raised surface 11 against shoulder 16 to form a seal (See FIGS. 3A – 3C, and Column 5, Lines 44-47 and 56-58, Column 6, Lines 15-19 and 25-31). Applicant notes that the connector taught in Lewis necessarily includes some gap between raised surface 11 and shoulder 16 after the connector has been coupled, and especially during vibrations or axial bending moments that tend to widen the gap between raised surface 11 and shoulder 16.

Applicant directs the Examiner to paragraph [00064], where the embodiment of FIGS. 11 and 12 are described. In this description, support surfaces 21a, 21b, clearly are pressed against support surfaces 24a, 24b. Paragraph [00064] notes that this connection "benefits the impermeability in the same way as explained in connection with Figures 9 and 10." This desired impermeability is discussed in paragraphs [00058] – [00060]. In contrast, the gap between raised surface 11 and shoulder 16 will allow fluid to permeate the seal 14 of the connection of Lewis. Applicants also note that Watson teaches exposing washer 10 to the fluid of transport, thereby not reducing the fluid that may permeate washer 10.

Application No.: 09/993,996

Docket No.: 65857-0037

Paragraph [00017] also enlightens the advantage that the tight clamping of the support surfaces resists relative vibrations. These vibrations will cause a fluctuation of the clamping forces on the seals of Lewis and Watson, thereby increasing the chances of a leak. In contrast, these vibrations will not cause a fluctuation of the clamping forces on the connector of the embodiments as described. Therefore, independent claim 35 contains limitations not present in the prior art of record, and is in condition for allowance.

It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC. If the Examiner has any question or comments, he is kindly urged to call the undersigned to facilitate prosecution.

Dated: November 29, 2004
(The 27th falling on a Saturday)

Respectfully submitted,

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